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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,355	08/31/2001	Satoshi Arakawa	Q66024	8635

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SUGHRUE, MION, ZINN, MACPEAK & SEAS PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

HANNAHER, CONSTANTINE

ART UNIT PAPER NUMBER

2884

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,355

Applicant(s)

ARAKAWA, SATOSHI

Examiner

Constantine Hannaher

Art Unit

2884

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-13 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 6 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 require that the “sheet-shaped erasing light source” be arranged on one side of the “sheet-shaped transparent substrate” of the stimuable phosphor sheet. Claims 3 and 11 require that the “sheet-shaped erasing light source” comprise a “transparent sheet” and light sources at its ends. Therefore, when claims 6 and 14 recite that the “transparent sheet” of the “sheet-shaped erasing light source” acts also as the “sheet-shaped transparent substrate” of the stimuable phosphor sheet, there is a lack a clarity because a thing cannot be on one side of itself, that is, once the erasing light source is the substrate of the stimuable phosphor sheet (as required by claims 6 and 14) it cannot also be an erasing light source on one side of the stimuable phosphor sheet’s substrate (as required by claims 1 and 9). Furthermore, once the erasing light source comprises light sources at the ends thereof (as required by claims 3 and 11) and these light sources, being at the edge, are no longer on either side of anything as they are outside the relevant projection of the stimuable phosphor sheet onto the area of the erasing light source, the lack of clarity is amplified.

Response to Submission(s)

3. The amendment filed November 21, 2005 under 37 CFR 41.50(b)(1) is acknowledged. The Examiner notes that no remand of the proceeding is evident.

4. Applicant's arguments, see page 10, filed November 21, 2005, with respect to claims 1 and 9 have been fully considered and are persuasive. The rejection of claims 1, 19, 9, and 20 has been withdrawn.

The Examiner points out that in view of how the embodiment of Fig. 19 is used (see Fig. 14 showing the exposure to radiation 12 of light shielding cover 426) those of ordinary skill in the art have no motivation to specify any particular property of sheet-shaped erasing light source 471 with respect to radiation transmission. The only embodiment in which sheet-shaped erasing light source 471 is in the path of radiation 12 (Fig. 20) has the source behind the stimuable phosphor sheet 422 and thus its radiation transmissivity is moot.

5. Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive.

With respect to the rejection of claims 6 and 14, the response under 37 CFR 41.50(b)(1) does not include a submission of an amendment of the claims so rejected and does not include a submission of new evidence relating to the claims so rejected. MPEP § 1214.01 states "The 'new evidence' under the rule may be a showing under 37 CFR 1.1.30, 1.131 or 1.132, as may be appropriate." The argument regarding claims 6 and 14 must be treated as a request for rehearing under 37 CFR 41.50(b)(2) and by proceeding in this manner the appellant waives his or her right to further prosecution before the examiner. *In re Greenfield*, 40F.2d 775, 5 USPQ 474 (CCPA 1930). Accordingly, the Examiner makes no further comment on the reply to this rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

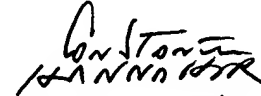
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Constantine Hannaher whose telephone number is (571) 272-2437. The examiner can normally be reached on Monday-Friday with flexible hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Constantine Hannaher
Primary Examiner